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OFFICE OF PETITIONS

In re Application of
Landram, et al.
Application No. 10/688,316
Filed: October 17, 2003
Attorney Docket No. TELNP0200US
For: SELF CONFIGURING MOBILE
DEVICE AND SYSTEM

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed May 24, 2007, to revive the above-identified application. The petition will be treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**:

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The Office contended that the above-identified application became abandoned for failure to submit a reply to the July 18, 2006 final Office action, which set a three month extendable period for reply. No extensions of time or reply being received, the Office contended that this application became abandoned on October 19, 2006. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioners allege that the July 18, 2006 final Office action was not received at the correspondence address of record.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹

Petitioners have submitted a copy of the docket record where the reply requirement would have been entered had the July 18, 2006 final Office action been received. In addition, practitioner referenced the record in the petition and stated that a review of the file jacket and the docket record for the July 18, 2006 final Office action was fruitless.


Petitioners have established non-receipt. The petition under 37 CFR 1.181 is **granted** and the holding of abandonment is withdrawn.

The \$500.00 Rule 137(a) petition fee will be credited to deposit account no. 18-0988.

It is unnecessary to re-mail the Office action because petitioners have filed a reply to the July 18, 2006 final Office action with the instant petition.

After the mailing of this decision, the application will be returned to Technology Center AU 2141 for consideration of the reply filed on May 24, 2007.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).